

REMARKS

Applicants thank the Examiner for the thorough consideration given the present application.

Claims 1-27 are now present in this application. Claims 14-23 are withdrawn from consideration. Claim 1 is independent.

Claims 1-27 have been amended. Reconsideration of this application, as amended, is respectfully requested.

Priority under 35 U.S.C. § 119

Applicants thank the Examiner for acknowledging Applicants' claim for foreign priority under 35 U.S.C. § 119, and receipt of the certified priority document.

Examiner Interview

Applicants thank the Examiner for the courtesies extended to Applicants' representative during the telephone interview. During the interview, the disclosure of Ruckl, particularly the directing walls and the opening in the directing walls, was discussed

Information Disclosure Citation

Applicants thank the Examiner for considering the reference supplied with the Information Disclosure Statement filed July 18, 2006, and for providing Applicants with an initialed copy of the PTO-SB08 form filed therewith.

The Examiner has not provided Applicants with an initialed copy of the PTO-SB08 form filed with the Information Disclosure Statement filed May 25, 2006. An initialed copy thereof is respectfully requested from the Examiner in the next Office Action.

Drawings

Applicants thank the Examiner for indicating that the drawings are accepted.

Rejection Under 35 U.S.C. § 102

Claims 1-13 and 23-27 stand rejected under 35 U.S.C. § 102(b) as being anticipated by Ruckl. This rejection is respectfully traversed.

A complete discussion of the Examiner's rejection is set forth in the Office Action, and is not being repeated here.

While not conceding the appropriateness of the Examiner's rejection, but merely to advance prosecution of the instant application, Applicants respectfully submit that independent claim 1 has been amended to recite a combination of elements in a vacuum extraction unit for a device used to structure the surface of a workpiece with radiation including a hood having an operating position covering a region of interaction between the radiation and the workpiece surface, the hood comprising a rear side to which a vacuum extraction line can be connected, a vacuum channel, the vacuum channel comprising an inlet opening, two side walls, each side wall extending from the rear side and having an end edge lying opposite the workpiece in the operating position of the hood, and two directing walls extending transversely between the side walls, an edge of a first directing wall lying opposite the workpiece in the operating position of the hood, a second directing wall being curved and at least one opening in the second directing wall through which the radiation for processing the workpiece surface is guided.

Applicants respectfully submit that this combination of elements as set forth in independent claim 1 is not disclosed or made obvious by the prior art of record, including Ruckl.

The claims recites the structure of the vacuum channel as having two side walls and two directing walls. An edge of a first directing wall lies opposite the workpiece in the operating position of the hood, a second directing wall is curved and at least one opening is formed in the second directing wall through which the radiation for processing the workpiece surface is guided.

The Examiner refers to the carriage 15 and lower bearing bow 28 as a hood. The lower bearing bow has a C-shaped cross section forming a channel and an end wall. A duct 37 in the carriage communicates with the channel in the lower bearing bow 28. The directing walls recited in claim 1 define the invention over Ruckl. In addition, Ruckl does not disclose or suggest an opening in a second directing wall. As the laser beam 4 of Ruckl is located between the lower bearing bow 28 and upper bearing bow 29, there is no need for an opening in a directing wall.

Applicants respectfully submit that the combination of elements as set forth in independent claim 1 is not disclosed or made obvious by the prior art of record, including Ruckl, for the reasons explained above. Accordingly, reconsideration and withdrawal of this rejection are respectfully requested.

With regard to dependent claims 2-13 and 23-27, Applicants submit that claims 2-13 and 23-27 depend, either directly or indirectly, from independent claim 1 which is allowable for the reasons set forth above, and therefore claims 2-13 and 23-27 are allowable based on their dependence from claim 1. Reconsideration and allowance thereof are respectfully requested. Applicants also respectfully request rejoinder of claims 14-22 upon allowance of generic claim 1.

Conclusion

All of the stated grounds of rejection have been properly traversed, accommodated, or rendered moot. Applicants therefore respectfully request that the Examiner reconsider all presently outstanding rejections and that they be withdrawn. It is believed that a full and complete response has been made to the outstanding Office Action, and as such, the present application is in condition for allowance.

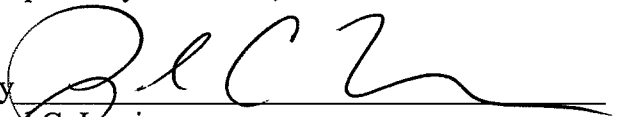
In view of the above amendment, Applicants believe the pending application is in condition for allowance.

Should there be any outstanding matters that need to be resolved in the present application, the Examiner is respectfully requested to contact Christopher J. McDonald, Registration No. 41,533, at the telephone number of the undersigned below to conduct an interview in an effort to expedite prosecution in connection with the present application.

If necessary, the Director is hereby authorized to charge any fees required during the pendency of the above-identified application or credit any overpayment to Deposit Account No. 02-2448.

Dated: November 5, 2010

Respectfully submitted,

By 

Paul C. Lewis *cjm*

Registration No.: 43,368

BIRCH, STEWART, KOLASCH & BIRCH, LLP

8110 Gatehouse Road, Suite 100 East

P.O. Box 747

Falls Church, VA 22040-0747

703-205-8000